

1 49. In the late summer of 2012, Retrophin entered negotiations with Novartis
2 to purchase the rights to manufacture and sell Synacthen in the US. After
3 approximately nine months of due diligence and negotiations, Retrophin and Novartis
4 agreed to terms on which Retrophin would acquire the rights to Synacthen. Final
5 documents had been prepared and were merely awaiting the parties' signatures. The
6 signing was set for June 11, 2013. Retrophin had prepared a press release announcing
7 the deal.

8 50. In anticipation of the transaction, Retrophin had prepared a plan to obtain
9 regulatory approvals for, and sell Synacthen. It devised a strategy for going directly to
10 Phase III clinical drug trials in order to obtain FDA approval for the use of Synacthen
11 to treat Infantile Spasms and Nephrotic Syndrome. It also planned to file a Treatment
12 Investigational New Drug Application which, if approved by the FDA, would have
13 allowed Retrophin to offer Synacthen to patients for free while it was awaiting FDA
14 approval to market Synacthen for Infantile Spasms and Nephrotic Syndrome. This
15 would have given patients immediate relief from Questcor's pricing and would have
16 developed substantial goodwill for Retrophin and Synacthen in both the patient and
17 medical communities. Retrophin believed that the history of Synacthen's use in other
18 countries would aid it in obtaining FDA approval.

19 51. In anticipation of the product launch, Retrophin had put in place a
20 clinical apparatus to conduct clinical trials necessary to obtain FDA approval. It
21 planned to begin to market Synacthen upon FDA approval.

22 52. Given its expertise as a biopharmaceutical company focusing on rare
23 diseases, Retrophin was ready, willing and able to enter the Relevant Markets with
24 Synacthen subject to FDA approval. Retrophin's entry into the Relevant Markets
25 would have broken Questcor's monopoly. The result would have been
26 unambiguously procompetitive. Retrophin's entry into the market and its introduction
27 of Synacthen as an alternative to Acthar would have benefitted all participants in the
28 markets – other than Questcor. Prices to patients and payors would have dropped;

1 patients who were unable to pay for the drug would have been able to get it; other
 2 patients who were forced by Questcor's pricing to limit their dosages of the drug
 3 would have been able to take the medically prescribed amounts; and Retrophin would
 4 have earned substantial profits from sales of its product.

5 **Questcor Illegally Acquires Synacthen to Preserve its Monopoly**

6 53. Faced with a direct threat to its monopoly, Questcor acted to preserve its
 7 market dominance and its ability to charge extraordinary prices for Acthar. It swept in
 8 and secretly negotiated a deal to buy the rights to Synacthen from Novartis.

9 54. On June 11, 2013, the very day that Retrophin and Novartis were to sign
 10 their agreement, Questcor acquired the rights to Synacthen. The acquisition was
 11 closed on the day of the announcement. Questcor made no Premerger Notification
 12 filing with the Department of Justice and the Federal Trade Commission under the
 13 Hart Scott Rodino Act Antitrust Improvements Act of 1976. Nor did it observe the
 14 waiting period provided by the Hart Scott Act before closing the acquisition.

15 55. As part of the Agreement, the entire risk of an antitrust challenge to the
 16 transaction is borne by Questcor. The Agreement between Novartis and Questcor
 17 provides that Novartis receives the full consideration it is entitled to from Questcor
 18 even if the US antitrust enforcement agencies (The Federal Trade Commission or the
 19 Department of Justice) force Questcor to divest its rights in Synacthen. If such a
 20 divestiture occurs, the Agreement provides that Novartis keeps the entire \$60 million
 21 that Questcor has paid it and Questcor will make all future milestone payments
 22 required by the Agreement – an amount in excess of \$75 million. In short, the
 23 acquisition of the rights to Synacthen was so important to Questcor that it put at least
 24 \$135 million at risk to keep Synacthen out of Retrophin's hands. There was no
 25 procompetitive aspect of Questcor's acquisition of Synacthen.

26 56. Questcor's acquisition of the rights to Synacthen unreasonably restrained
 27 trade, maintained Questcor's monopolies and may result in a substantial lessening of
 28 competition in the Relevant Markets. As a result of Questcor's acquisition of the

rights to Synacthen, prices to patients and payors for Acthar will remain at monopoly levels; patients who are unable to pay for the drug will not be able to get it; other patients who are forced by Questcor's pricing to limit their dosages of the drug will not be able to take the medically prescribed amounts; and Retrophin will not earn the substantial profits it expected to earn from selling Synacthen at a fraction of the price Questcor charges for Acthar.

Retrophin Is Continuing to Try to Enter the Relevant Markets

57. Despite Questcor's anticompetitive and monopolistic conduct, Retrophin is continuing to try to enter the Relevant Product Markets. To that end, it has taken the highly unusual step of trying to create from scratch a drug – that it has designated as RE-034 – that will match Synacthen. Retrophin is endeavoring to create a new formulation of the drug that will incorporate the same active pharmaceutical ingredient used in Synacthen and match Synacthen's therapeutic effects for patients suffering from Infantile Spasms and Nephrotic Syndrome.

58. Retrophin's efforts to develop RE-034 will take substantial time and money and will require FDA approval. It will also require that the drug successfully complete both Phase I and Phase III clinical trials for both Infantile Spasms and Nephrotic Syndrome. There is no guarantee that RE-034 will succeed in the clinical trials or that Retrophin will succeed in obtaining FDA approval or entering the Relevant Markets.

59. Entering the Relevant Markets through RE-034 is more difficult, risky and time consuming than entering those markets through Synacthen. Synacthen is an existing product that has been manufactured and used outside of the US for decades in the treatment of a variety of illnesses, including Infantile Spasms and Nephrotic Syndrome. The owner of the rights to Synacthen has the information, know-how and ability to manufacture the drug and has decades of clinical data from outside the United States that can be used to facilitate and speed the regulatory approval process

1 in the US. Retrophin will need to develop all of that knowledge from scratch in
 2 seeking to enter the Relevant Markets with RE-034.

3 60. Entering the Relevant Markets through RE-034 will be more difficult,
 4 less likely to succeed and take longer than entry into those markets through the
 5 acquisition of Synacthen. Questcor's conduct has delayed, and may entirely foreclose,
 6 Retrophin from entering the Relevant Markets.

7 **Questcor Has Damaged Competition in the Relevant Markets and Has Caused**
 8 **Retrophin to Suffer Both Injury in Fact and Antitrust Injury**

9 61. Questcor's unlawful acquisition of the rights to Synacthen has foreclosed
 10 or delayed Retrophin from entering the Relevant Markets, has restrained trade, and
 11 has preserved and entrenched Questcor's monopoly and may substantially lessen
 12 competition. As a result, competition in the Relevant Markets has been damaged and
 13 Retrophin has been injured. Those injuries are intertwined and inseparable.
 14 Excluding or delaying Retrophin from entering the Relevant Markets with Synacthen
 15 was and is an integral aspect of Questcor's anticompetitive conduct.

16 62. Retrophin has suffered and continues to suffer injury in fact from
 17 Questcor's acquisition of the rights to Synacthen and the preservation of its monopoly.

18 63. Retrophin has suffered and continues to suffer antitrust injury from
 19 Questcor's acquisition of the rights to Synacthen and the preservation of its monopoly.
 20 Retrophin has been injured directly as a result of Questcor's unlawful conduct.
 21 Retrophin is a potential entrant into the Relevant Markets and, but for Questcor's
 22 unlawful conduct, would be entering those markets with Synacthen. There are no
 23 aspects of Questcor's conduct that are beneficial to competition. Retrophin's injury is
 24 an integral aspect of Questcor's unlawful conduct; flows from that which renders
 25 Questcor's conduct unlawful; and its injury is of the type the antitrust laws were
 26 intended to prevent.
 27
 28

FIRST CAUSE OF ACTION
**(COMBINATION IN THE RESTRAINT OF TRADE IN VIOLATION OF
SECTION 1 OF THE SHERMAN ACT)**

64. Retrophin repeats and realleges the allegations set forth in paragraphs 1 through 63 as if fully set forth herein.

65. In acquiring the rights to Synacthen, Questcor entered into a contract, conspiracy or combination that unreasonably restrains trade in violation of Section 1 of the Sherman Act, 15 U.S.C. § 1.

66. Questcor's acquisition of the rights to Synacthen unlawfully and unreasonably restrains trade by preventing or delaying Retrophin from entering the Relevant Markets and challenging Questcor's market power in those markets.

67. Questcor's violation of Section 1 of the Sherman Act has caused, and will cause, damages to Retrophin in an amount to be determined at trial, such damages to be trebled in accordance with Section 4 of the Clayton Act, 15 U.S.C. § 15.

68. Questcor's unlawful conduct is ongoing, irreparably injures Retrophin, harms the public interest, and unless restrained will continue. Retrophin has no adequate remedy at law.

SECOND CAUSE OF ACTION
**(MONOPOLIZATION IN VIOLATION OF SECTION 2 OF THE SHERMAN
ACT)**

69. Retrophin repeats and realleges the allegations set forth in paragraphs 1 through 68 as if fully set forth herein.

70. Questcor has monopoly power in the Relevant Markets. In acquiring the rights to Synacthen in the US, Questcor has intentionally acted to maintain and entrench its monopoly position in Relevant Markets, and has done so, in violation of Section 2 of the Sherman Act, 15 U.S.C. § 2.

1 71. Questcor's violation of Section 2 of the Sherman Act has caused, and
 2 will cause, damages to Retrophin in an amount to be determined at trial, such damages
 3 to be trebled in accordance with Section 4 of the Clayton Act, 15 U.S.C. § 15.

4 72. Questcor's unlawful conduct is ongoing, irreparably injures Retrophin,
 5 harms the public interest, and unless restrained will continue. Retrophin has no
 6 adequate remedy at law.

7 **THIRD CAUSE OF ACTION**

8 **(ATTEMPTED MONOPOLIZATION IN VIOLATION OF SECTION 2 OF** 9 **THE SHERMAN ACT)**

10 73. Retrophin repeats and realleges the allegations set forth in paragraphs 1
 11 through 72 as if fully set forth herein.

12 74. In acquiring the rights to Synacthen, Questcor has engaged in
 13 monopolistic and anticompetitive conduct with the specific purpose and intent of
 14 monopolizing the Relevant Markets in violation of Section 2 of the Sherman Act, 15
 15 U.S.C. § 2.

16 75. The sole purpose of Questcor's acquisition of the rights to Synacthen is
 17 to enable Questcor to gain or maintain a monopoly position in the Relevant Markets.

18 76. A dangerous probability exists that Questcor has succeeded, and if not
 19 restrained, will continue to succeed in monopolizing the Relevant Markets.

20 77. Questcor's acts of attempted monopolization has unlawfully prevented
 21 and delayed Retrophin from entering the Relevant Markets and otherwise injure
 22 competition in those markets by reducing choice, inflating prices, and lessening
 23 innovation.

24 78. Questcor's violation of Section 2 of the Sherman Act has caused, and
 25 will cause, damages to Retrophin in an amount to be determined at trial, such damages
 26 to be trebled in accordance with Section 4 of the Clayton Act, 15 U.S.C. § 15.

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79. Questcor's unlawful conduct is ongoing, irreparably injures Retrophin, harms the public interest, and unless restrained will continue. Retrophin has no adequate remedy at law.

FOURTH CAUSE OF ACTION

(UNLAWFUL MERGER IN VIOLATION OF SECTION 7 OF THE CLAYTON ACT)

80. Retrophin repeats and realleges the allegations set forth in paragraphs 1 through 79 as if fully set forth herein.

81. Questcor's acquisition of the rights to Synacthen is likely to substantially lessen competition in interstate trade and commerce in violation of Section 7 of the Clayton Act, 15 U.S.C. § 18.

82. Questcor's acquisition of the rights to Synacthen is likely to result in a substantial lessening of competition in the Relevant Markets.

83. Questcor's violation of Section 7 of the Clayton Act has caused, and will cause, damages to Retrophin in an amount to be determined at trial, such damages to be trebled in accordance with Section 4 of the Clayton Act, 15 U.S.C. § 15.

84. Questcor's unlawful conduct is ongoing, irreparably injures Retrophin, harms the public interest, and unless restrained will continue. Retrophin has no adequate remedy at law.

FIFTH CAUSE OF ACTION

(VIOLATION OF CALIFORNIA ANTITRUST LAWS)

85. Retrophin repeats and realleges the allegations set forth in paragraphs 1 through 84 as if fully set forth herein.

86. In acquiring the rights to Synacthen, Questcor entered into and engaged in a continuing unlawful trust in restraint of the trade and commerce described above in violation of the California antitrust laws referenced below. Questcor has acted in violation of these laws in an effort to maintain, entrench, and/or create a monopoly,

1 and otherwise injure competition in the Relevant Markets. Questcor's conduct
2 substantially affected commerce in California.

3 87. In acquiring the rights to Synacthen in the US, Questcor has maintained
4 and entrenched its monopoly position in the Relevant Markets.

5 88. Questcor's acquisition of the rights to Synacthen is likely to result in a
6 substantial lessening of competition in the Relevant Markets.

7 89. By reason of the foregoing, Questcor violated California's Cartwright
8 Act, California Business and Professions Code §§ 16720 *et seq.*

9 90. Questcor's violation of California's Cartwright Act, California Business
10 and Professions Code §§ 16720 *et seq.* has caused, and will cause, damages to
11 Retrophin in an amount to be determined at trial, with such damages to be trebled.

12 91. Questcor's unlawful conduct is ongoing, irreparably injures Retrophin,
13 harms the public interest, and unless restrained will continue. Retrophin has no
14 adequate remedy at law.

15 **SIXTH CAUSE OF ACTION**

16 **(UNFAIR COMPETITION UNDER CAL. BUS. & PROF. CODE**

17 **§ 17200 *ET SEQ.*)**

18 92. Retrophin repeats and realleges the allegations set forth in paragraphs 1
19 through 91 as if fully set forth herein.

20 93. California Unfair Competition Law, Business and Professions Code
21 Section 17200 *et seq.*, provides that "unfair competition shall mean and include any
22 unlawful, unfair or fraudulent business act."

23 94. Questcor's conduct as alleged herein meets the "unlawfulness" prong of
24 California Business and Professions Code §§ 17200 *et seq.* Questcor has committed
25 and continues to commit unlawful business practices by illegally acquiring the rights
26 to Synacthen and engaging in anticompetitive and monopolistic conduct in violation
27 of antitrust laws.
28

1 D. DECLARING that Questcor's acquisition of the rights to Synacthen
 2 constitutes an acquisition that may result in a substantial lessening of competition in
 3 the Relevant Markets in violation of Section 7 of the Clayton Act;

4 E. DECLARING that Questcor's acquisition of the rights to Synacthen
 5 constitutes an unlawful trust in restraint of trade and commerce in violation of
 6 California Business and Professions Code §§ 16720 *et seq.*;

7 F. DECLARING that Questcor's acquisition of the rights to Synacthen
 8 constitutes unfair competition in violation of California Business and Professions
 9 Code § 17200 *et seq.*;

10 G. PERMANENTLY ENJOINING Questcor from enforcing or maintaining
 11 its Rights to Synacthen under its agreement with Novartis or any similar formal or
 12 informal agreement;

13 H. PERMANENTLY ENJOINING Questcor from engaging in further
 14 anticompetitive conduct in violation of Section 1 of the Sherman Act;

15 I. PERMANENTLY ENJOINING Questcor from engaging in further
 16 anticompetitive conduct in violation of Section 2 of the Sherman Act;

17 J. PERMANENTLY ENJOINING Questcor from engaging in further
 18 anticompetitive conduct in violation of Section 7 of the Clayton Act;

19 K. PERMANENTLY ENJOINING Questcor from engaging in further
 20 anticompetitive conduct in violation of California Business and Professions Code §§
 21 16720, *et seq.*;

22 L. PERMANENTLY ENJOINING Questcor from engaging in further
 23 unlawful and/or unfair business practices in violation of California Business and
 24 Professions Code § 17200 *et seq.*;

25 M. DISGORGING any profits generated by Questcor as a result of its
 26 unlawful and/or unfair business practices to the extent it constitutes restitution to
 27 Retrophin;
 28

1 N. AWARDING Retrophin damages in an amount to be proved at trial, such
 2 damages to be trebled, including its costs and attorneys' fees, pursuant to Section 4 of
 3 the Clayton Act, 15 U.S.C. § 15 and/or California's Cartwright Act, California
 4 Business and Professions Code §§ 16720, *et seq.*;

5 O. AWARDING Retrophin its costs, expenses and attorneys' fees incurred
 6 in connection with the action;

7 P. AWARDING Retrophin interest to the maximum extent permitted by
 8 law; and

9 Q. GRANTING Retrophin such other and further relief as this Court deems
 10 just and proper.

11 Dated: January 7, 2014

KATTEN MUCHIN ROSENMAN LLP

12
 13 By: 

14 Kristin L. Holland
 15 Attorneys for Plaintiff Retrophin, Inc.
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DEMAND FOR JURY TRIAL

Retrophin hereby demands a trial by jury on all of its claims and causes of action.

Dated: January 7, 2014

KATTEN MUCHIN ROSENMAN LLP

By: 

Kristin L. Holland
Attorneys for Plaintiff Retrophin, Inc.

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

| | |
|--|---|
| I. (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) Retrophin, Inc. | DEFENDANTS (Check box if you are representing yourself <input type="checkbox"/>) Questcor Pharmaceuticals, Inc. |
| (b) County of Residence of First Listed Plaintiff <u>New York, NY</u> <small>(EXCEPT IN U.S. PLAINTIFF CASES)</small> | County of Residence of First Listed Defendant <u>Orange, CA</u> <small>(IN U.S. PLAINTIFF CASES ONLY)</small> |
| (c) Attorneys (Firm Name, Address and Telephone Number) If you are representing yourself, provide the same information. Katten Muchin Rosenman LLP 2029 Century Park East, Suite 2600 Los Angeles, CA 90067-3012 310-788-4400 | Attorneys (Firm Name, Address and Telephone Number) If you are representing yourself, provide the same information. N/A |

| | | | | | | | | | | | | | | | | | | | |
|--|--|--------------------------------|---|---|---|--------------------------------|---|--------------------------|--------------------------------|--------------------------------|---|---|--------------------------------|---|--------------------------------|--------------------------------|----------------|--------------------------------|--------------------------------|
| II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1. U.S. Government Plaintiff <input type="checkbox"/> 2. U.S. Government Defendant <input checked="" type="checkbox"/> 3. Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 4. Diversity (Indicate Citizenship of Parties in Item III) | III. CITIZENSHIP OF PRINCIPAL PARTIES —For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant) <table style="width:100%;"> <tr> <td style="width:33%;">Citizen of This State</td> <td style="width:10%;">PTF <input type="checkbox"/> 1</td> <td style="width:10%;">DEF <input type="checkbox"/> 1</td> <td style="width:33%;">Incorporated or Principal Place of Business in this State</td> <td style="width:10%;">PTF <input type="checkbox"/> 4</td> <td style="width:10%;">DEF <input checked="" type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td>PTF <input type="checkbox"/> 2</td> <td>DEF <input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td>PTF <input checked="" type="checkbox"/> 5</td> <td>DEF <input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td>PTF <input type="checkbox"/> 3</td> <td>DEF <input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td>PTF <input type="checkbox"/> 6</td> <td>DEF <input type="checkbox"/> 6</td> </tr> </table> | Citizen of This State | PTF <input type="checkbox"/> 1 | DEF <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in this State | PTF <input type="checkbox"/> 4 | DEF <input checked="" type="checkbox"/> 4 | Citizen of Another State | PTF <input type="checkbox"/> 2 | DEF <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | PTF <input checked="" type="checkbox"/> 5 | DEF <input type="checkbox"/> 5 | Citizen or Subject of a Foreign Country | PTF <input type="checkbox"/> 3 | DEF <input type="checkbox"/> 3 | Foreign Nation | PTF <input type="checkbox"/> 6 | DEF <input type="checkbox"/> 6 |
| Citizen of This State | PTF <input type="checkbox"/> 1 | DEF <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in this State | PTF <input type="checkbox"/> 4 | DEF <input checked="" type="checkbox"/> 4 | | | | | | | | | | | | | | |
| Citizen of Another State | PTF <input type="checkbox"/> 2 | DEF <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | PTF <input checked="" type="checkbox"/> 5 | DEF <input type="checkbox"/> 5 | | | | | | | | | | | | | | |
| Citizen or Subject of a Foreign Country | PTF <input type="checkbox"/> 3 | DEF <input type="checkbox"/> 3 | Foreign Nation | PTF <input type="checkbox"/> 6 | DEF <input type="checkbox"/> 6 | | | | | | | | | | | | | | |

IV. ORIGIN (Place an X in one box only.)

☒ 1. Original Proceeding
☐ 2. Removed from State Court
☐ 3. Remanded from Appellate Court
☐ 4. Reinstated or Reopened
☐ 5. Transferred from Another District (Specify) _____
☐ 6. Multi-District Litigation

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check "Yes" only if demanded in complaint.)

CLASS ACTION under F.R.Cv.P. 23: ☐ Yes ☒ No **MONEY DEMANDED IN COMPLAINT:** \$ Over \$75k, TBD

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
Plaintiff is suing defendant for entering an illegal agreement and engaging in conduct that violates federal and state antitrust and competition laws, 15 U.S.C. §§ 1, 2, 18, and California Business and Professions Code §§ 16720, et seq, California Business and Professions Code §§ 17200, et seq

VII. NATURE OF SUIT (Place an X in one box only.)

| OTHER STATUTES | CONTRACT | REAL PROPERTY CONT. | IMMIGRATION | PRISONER PETITIONS | PROPERTY RIGHTS |
|--|--|---|--|--|--|
| <input type="checkbox"/> 375 False Claims Act | <input type="checkbox"/> 110 Insurance | <input type="checkbox"/> 240 Torts to Land | <input type="checkbox"/> 462 Naturalization Application | Habeas Corpus: | <input type="checkbox"/> 820 Copyrights |
| <input type="checkbox"/> 400 State Reapportionment | <input type="checkbox"/> 120 Marine | <input type="checkbox"/> 245 Tort Product Liability | <input type="checkbox"/> 465 Other Immigration Actions | <input type="checkbox"/> 463 Alien Detainee | <input type="checkbox"/> 830 Patent |
| <input checked="" type="checkbox"/> 410 Antitrust | <input type="checkbox"/> 130 Miller Act | <input type="checkbox"/> 290 All Other Real Property | TORTS | <input type="checkbox"/> 510 Motions to Vacate Sentence | <input type="checkbox"/> 840 Trademark |
| <input type="checkbox"/> 430 Banks and Banking | <input type="checkbox"/> 140 Negotiable Instrument | PERSONAL INJURY | PERSONAL PROPERTY | <input type="checkbox"/> 530 General | SOCIAL SECURITY |
| <input type="checkbox"/> 450 Commerce/ICC Rates/Etc. | <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment | <input type="checkbox"/> 310 Airplane | <input type="checkbox"/> 370 Other Fraud | <input type="checkbox"/> 535 Death Penalty | <input type="checkbox"/> 861 HIA (1395ff) |
| <input type="checkbox"/> 460 Deportation | <input type="checkbox"/> 151 Medicare Act | <input type="checkbox"/> 315 Airplane Product Liability | <input type="checkbox"/> 371 Truth in Lending | Other: | <input type="checkbox"/> 862 Black Lung (923) |
| <input type="checkbox"/> 470 Racketeer Influenced & Corrupt Org. | <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Vet.) | <input type="checkbox"/> 320 Assault, Libel & Slander | <input type="checkbox"/> 380 Other Personal Property Damage | <input type="checkbox"/> 540 Mandamus/Other | <input type="checkbox"/> 863 DIWC/DIWW (405 (g)) |
| <input type="checkbox"/> 480 Consumer Credit | <input type="checkbox"/> 153 Recovery of Overpayment of Vet. Benefits | <input type="checkbox"/> 330 Fed. Employers' Liability | <input type="checkbox"/> 385 Property Damage Product Liability | <input type="checkbox"/> 550 Civil Rights | <input type="checkbox"/> 864 SSID Title XVI |
| <input type="checkbox"/> 490 Cable/Sat TV | <input type="checkbox"/> 160 Stockholders' Suits | <input type="checkbox"/> 340 Marine | BANKRUPTCY | <input type="checkbox"/> 555 Prison Condition | <input type="checkbox"/> 865 RSI (405 (g)) |
| <input type="checkbox"/> 850 Securities/Commodities/Exchange | <input type="checkbox"/> 190 Other Contract | <input type="checkbox"/> 345 Marine Product Liability | <input type="checkbox"/> 422 Appeal 28 USC 158 | <input type="checkbox"/> 560 Civil Detainee Conditions of Confinement | FEDERAL TAX SUITS |
| <input type="checkbox"/> 890 Other Statutory Actions | <input type="checkbox"/> 195 Contract Product Liability | <input type="checkbox"/> 350 Motor Vehicle | <input type="checkbox"/> 423 Withdrawal 28 USC 157 | FORFEITURE/PENALTY | <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) |
| <input type="checkbox"/> 891 Agricultural Acts | <input type="checkbox"/> 196 Franchise | <input type="checkbox"/> 355 Motor Vehicle Product Liability | CIVIL RIGHTS | <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 | <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609 |
| <input type="checkbox"/> 893 Environmental Matters | REAL PROPERTY | <input type="checkbox"/> 360 Other Personal Injury | <input type="checkbox"/> 440 Other Civil Rights | LABOR | |
| <input type="checkbox"/> 895 Freedom of Info. Act | <input type="checkbox"/> 210 Land Condemnation | <input type="checkbox"/> 362 Personal Injury-Med Malpractice | <input type="checkbox"/> 441 Voting | <input type="checkbox"/> 710 Fair Labor Standards Act | |
| <input type="checkbox"/> 896 Arbitration | <input type="checkbox"/> 220 Foreclosure | <input type="checkbox"/> 365 Personal Injury-Product Liability | <input type="checkbox"/> 442 Employment | <input type="checkbox"/> 720 Labor/Mgmt. Relations | |
| <input type="checkbox"/> 899 Admin. Procedures Act/Review of Appeal of Agency Decision | <input type="checkbox"/> 230 Rent Lease & Ejectment | <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability | <input type="checkbox"/> 443 Housing/Accommodations | <input type="checkbox"/> 740 Railway Labor Act | |
| <input type="checkbox"/> 950 Constitutionality of State Statutes | | <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability | <input type="checkbox"/> 445 American with Disabilities-Employment | <input type="checkbox"/> 751 Family and Medical Leave Act | |
| | | | <input type="checkbox"/> 446 American with Disabilities-Other | <input type="checkbox"/> 790 Other Labor Litigation | |
| | | | <input type="checkbox"/> 448 Education | <input type="checkbox"/> 791 Employee Ret. Inc. Security Act | |

FOR OFFICE USE ONLY:

Case Number:

CV14-00026

CV-71 (11/13)

CIVIL COVER SHEET

Page 1 of 3

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

VIII. VENUE: Your answers to the questions below will determine the division of the Court to which this case will most likely be initially assigned. This initial assignment is subject to change, in accordance with the Court's General Orders, upon review by the Court of your Complaint or Notice of Removal.

| | | | |
|---|---|--|-------------------------------------|
| Question A: Was this case removed from state court? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "no," go to Question B. If "yes," check the box to the right that applies, enter the corresponding division in response to Question D, below, and skip to Section IX. | STATE CASE WAS PENDING IN THE COUNTY OF: | | INITIAL DIVISION IN CACD IS: |
| | <input type="checkbox"/> Los Angeles | | Western |
| | <input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo | | Western |
| | <input type="checkbox"/> Orange | | Southern |
| | <input type="checkbox"/> Riverside or San Bernardino | | Eastern |

| | | | |
|--|--|---|-------------------------------------|
| Question B: Is the United States, or one of its agencies or employees, a party to this action? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "no," go to Question C. If "yes," check the box to the right that applies, enter the corresponding division in response to Question D, below, and skip to Section IX. | If the United States, or one of its agencies or employees, is a party, is it: | | INITIAL DIVISION IN CACD IS: |
| | A PLAINTIFF? | A DEFENDANT? | |
| | Then check the box below for the county in which the majority of DEFENDANTS reside. | Then check the box below for the county in which the majority of PLAINTIFFS reside. | |
| | <input type="checkbox"/> Los Angeles | <input type="checkbox"/> Los Angeles | Western |
| | <input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo | <input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo | Western |
| | <input type="checkbox"/> Orange | <input type="checkbox"/> Orange | Southern |
| | <input type="checkbox"/> Riverside or San Bernardino | <input type="checkbox"/> Riverside or San Bernardino | Eastern |
| <input type="checkbox"/> Other | <input type="checkbox"/> Other | Western | |

| Question C: Location of plaintiffs, defendants, and claims? (Make only one selection per row) | A. Los Angeles County | B. Ventura, Santa Barbara, or San Luis Obispo Counties | C. Orange County | D. Riverside or San Bernardino Counties | E. Outside the Central District of California | F. Other |
|--|----------------------------------|---|-------------------------------------|--|--|--------------------------|
| Indicate the location in which a majority of plaintiffs reside: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Indicate the location in which a majority of defendants reside: | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Indicate the location in which a majority of claims arose: | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

C.1. Is either of the following true? If so, check the one that applies:

- ☒ 2 or more answers in Column C
☐ only 1 answer in Column C and no answers in Column D

Your case will initially be assigned to the
SOUTHERN DIVISION.
Enter "Southern" in response to Question D, below.

If none applies, answer question C2 to the right. →

C.2. Is either of the following true? If so, check the one that applies:

- ☐ 2 or more answers in Column D
☐ only 1 answer in Column D and no answers in Column C

Your case will initially be assigned to the
EASTERN DIVISION.
Enter "Eastern" in response to Question D, below.

If none applies, go to the box below. ↓

Your case will initially be assigned to the
WESTERN DIVISION.
Enter "Western" in response to Question D below.

| | |
|---|---------------------------------|
| Question D: Initial Division? | INITIAL DIVISION IN CACD |
| Enter the initial division determined by Question A, B, or C above: → | Southern Division |

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

IX(a). IDENTICAL CASES: Has this action been previously filed in **this court** and dismissed, remanded or closed? ☒ NO ☐ YES

If yes, list case number(s): _____

IX(b). RELATED CASES: Have any cases been previously filed in **this court** that are related to the present case? ☒ NO ☐ YES

If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

(Check all boxes that apply)

- ☐ A. Arise from the same or closely related transactions, happenings, or events; or
- ☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
- ☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
- ☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

X. SIGNATURE OF ATTORNEY

(OR SELF-REPRESENTED LITIGANT): *K. Holland*

DATE: 1/7/2014

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet).

Key to Statistical codes relating to Social Security Cases:

| Nature of Suit Code | Abbreviation | Substantive Statement of Cause of Action |
|---------------------|--------------|--|
| 861 | HIA | All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b)) |
| 862 | BL | All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923) |
| 863 | DIWC | All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405 (g)) |
| 863 | DIWW | All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g)) |
| 864 | SSID | All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended. |
| 865 | RSI | All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g)) |